

GARY T. LAFAYETTE (SBN 88666)
SUSAN T. KUMAGAI (SBN 127667)
CHERYL A. STEVENS (SBN 146397)
LAFAYETTE & KUMAGAI LLP
1300 Clay Street, Suite 810
San Francisco, CA 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendant
CITISTAFF SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiff,

vs.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF LUDIVINA
LEDESMA IN SUPPORT OF
DEFENDANT CITISTAFF SOLUTIONS,
INC.'S REQUEST TO RETAIN THE
CONFIDENTIAL DESIGNATION OF
DOCUMENTS PRODUCED IN THIS
MATTER**

Trial Date: May 11, 2020
Complaint filed: October 16, 2017

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
1300 CLAY STREET, SUITE 810
OAKLAND, CALIFORNIA 94612
(415) 357-4600
FAX (415) 357-4605

**DECLARATION OF LUDIVINA LEDESMA IN SUPPORT OF DEFENDANT CITISTAFF
SOLUTIONS, INC.'S REQUEST TO RETAIN THE
CONFIDENTIAL DESIGNATION OF DOCUMENTS PRODUCED IN THIS MATTER (CASE NO.
3:17-cv-06748-WHO)**

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
1300 CLAY STREET, SUITE 810
OAKLAND, CALIFORNIA 94612
(415) 357-4600
FAX (415) 357-4605

1 I, LUDIVINA LEDESMA, declare:

2 1. I am the Human Resources Manager for CitiStaff Solutions, Inc. ("CitiStaff"). I
3 make this declaration of my own personal knowledge. If called as a witness to testify regarding
4 matters stated in this declaration, I could and would competently testify thereto under oath.

5 2. Attached hereto as **Exhibit "A"** is a true and correct copy of the document Bate
6 Stamped "CITISTAFF 0000011-0000013." This document was previously identified as
7 "Confidential" because it described a personnel matter regarding a third person, Rothaj Foster.
8 CitiStaff, as Mr. Foster's former employer has an obligation to protect Mr. Foster's privacy rights
9 under Article 1, Section 1 of the United States Constitution and therefore requests that this
10 document remain Confidential and under seal. Alternatively, CitiStaff recommends redacting
11 Mr. Foster's name wherever it is mentioned to protect his privacy.

12 3. Attached hereto as **Exhibit "B"** is a true and correct copy of the document Bate
13 Stamped "CITISTAFF 0000034-0000035." This document was previously identified as
14 "Confidential" because it includes Plaintiff's personal information such as his social security
15 number, address, telephone number, date of birth and driver's license number. As Plaintiff's
16 former employer, CitiStaff has an obligation to protect this information from public disclosure.
17 CitiStaff will remove the "Confidential" designation of this document and merely redact this
18 personal information.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed this 16th day of January 2020 in Orange, California.

21
22 /s/ Ludivina Ledesma
LUDIVINA LEDESMA

EXHIBIT "A"

Monica Deleon

From: Monica Deleon <mdeleon@citistaffsolutions.com>
Sent: Friday, November 06, 2015 5:17 PM
To: 'Wayne Jackson'
Cc: 'Parks, Vanessa'; 'Gryske, Deb'; Bruce Wismer (bwismer@citistaffsolutions.com); 'William Hidalgo'
Subject: RE: Termination of Rothaj [REDACTED]

Wayne,

I do apologize for the late response. I did let Rothaj know that his assignment has ended. I do feel that there were several misunderstandings and miscommunications. I took a statement from both of them. Rothaj was straight forward and explained fully to me what happened from his point of view. When I spoke to Owen, he had to think about what happened. I have also heard a few complaints about Owen abusing his power as a lead, as well as coming off slightly standoffish. If there was a report made could you please forward it to me to have for Citistaffs records. If there was no witness to the threats that Rothaj had supposedly said I don't think that should have been counted against him. As far as the illegal parking Rothaj has a handicap sticker in his car. At this point is there any chance of Rothaj returning possibly back to sorting. He was enlisted for a raise next week. Thank you for your efforts I appreciate it.

Monica De Leon
 Staff Supervisor
 CitiStaff Solutions
 37053 Cherry Street Suite 204A
 Newark, CA 94560
 Office 510-797-2581

From: Wayne Jackson [mailto:wajackson@teslamotors.com]
Sent: Friday, November 06, 2015 10:21 AM
To: mdeleon@citistaffsolutions.com
Cc: Parks, Vanessa; Gryske, Deb
Subject: Termination of Rothaj Foster

Monica we will have to terminate Rothaj Foster assignment effective immediately. Please see the email below.

Wayne Jackson
 1040 Avenue of the Americas, 24th Floor
 New York, NY 10018
 Mobile: (917) 797-9984
wajackson@teslamotors.com

www.nextsource.com



Workforce Optimization, Business Enlightenment

From: Edward Romero
Sent: Friday, November 06, 2015 12:17 AM
To: Wayne Jackson <wajackson@teslamotors.com>
Cc: Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>
Subject: FW: Rothaj [REDACTED]

Please see email below.

From: Edward Romero
Sent: Friday, November 06, 2015 12:12 AM
To: Wayne Jackson
Cc: Victor Quintero; Jaime Salazar
Subject: Rothaj Foster

I had Rothaj [REDACTED] removed from the Tesla premises last night at 10:00 pm. The reason is that he was conducting himself in a threatening manner against Owen Diaz.

I received a call from Rothaj Foster at 6:06 pm. He said that he had spoken to Wayne Jackson and that Wayne had told him he was going to move him to a recycling sorter position tonight. I explained to him that people are not moved around like that without us first getting a replacement. I encouraged him to be patient, do his job and everything would work out. I also reminded him that we were short on staff.

I received another call from Mr. [REDACTED] at 7:47 saying that Owen wouldn't let him take his break. He said that Owen had went to cover for Froilan break. I told him to be patient and Owen would cover for him when Froilan came back. I explained that when we only have three people on we might not be able to take our breaks as we want but when we can. I told him to be patient. I then got another call from Mr. Foster around 9:00 insinuating that Owen was being mean. I called Owen to ask him what was happening and Owen said Rothaj was being difficult and threatening, saying "you better watch your car". I asked Owen if anyone had heard him say that, Owen said he didn't think so.

I then instructed Owen to assign Rothaj to elevator 2 as to avoid any friction between the two. When Owen approached Rothaj Foster to instruct him to go to elevator 2 he conducted himself in a threatening manner as if he wanted to fight with Owen. He also made a comment about shooting Owen. I asked him if anyone had witnessed this, at which time a Tesla material handler came forward and said he had witnessed Mr. Foster's threatening conduct. I then returned to Tesla to investigate the matter.

I then returned to Tesla and met with Yordano Ramirez, material handler from the Reman Area. He gave me his written statement and explained what happen. He said he witnessed Rothaj Foster conduct himself in a threatening manner towards Owen. I then called security explained the situation and asked that he be

removed from the premises. Security informed me that they had had problems with Mr. Foster's attitude in the past. They said I could include that information in my report. I asked for his badge, which he returned to me. I informed Mr. Foster that he was suspended while we evaluated what had happened. He asked if he could call someone. I told him he could call his agency if wanted to. He asked if he could call Wayne Jackson, I told him he was free to do so if he wanted to. He was then escorted out of the building and followed to his car which he had parked illegally in a handicapped parking spot.

I could not allow anyone to be a threat to any other employee. I do not recommend he be allowed to return.

CITISTAFF-0000013

CONFIDENTIAL

EXHIBIT "B"

120150


CitiStaff
Solutions Inc.

application

PERSONAL INFORMATION			
Last Name	First Name	M.I.	
DIAZ	DWEN	D	
		Apt #	
Person to contact in case of emergency/ Phone Number		Alternate Number	
Positions interested in?		Can you demonstrate proof of Employment Eligibility?	
Forklift Operator/Janitor		YES	

JOB EXPERIENCE			
General Labor <input checked="" type="checkbox"/> Loader/Unloader <input checked="" type="checkbox"/> Assembly <input checked="" type="checkbox"/> Production Line <input type="checkbox"/> Machine Operator Forklifts <input checked="" type="checkbox"/> Sit-down-Standard <input checked="" type="checkbox"/> Sit-down- with attachments <input checked="" type="checkbox"/> Stand Up-Reach <input checked="" type="checkbox"/> Stand Up-Cherry Picker <input checked="" type="checkbox"/> Electric Pallet Jack <input type="checkbox"/> Cranes	Shipping/Receiving <input checked="" type="checkbox"/> UPS <input type="checkbox"/> Fed-Ex <input type="checkbox"/> Clerk <input checked="" type="checkbox"/> Inventory <input checked="" type="checkbox"/> Quality Control Other Skills <input type="checkbox"/> Restaurant <input type="checkbox"/> Extrusion Equipment <input type="checkbox"/> Welding <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Customer Service	Clerical WPM _____ Accuracy _____ <input type="checkbox"/> Receptionist <input type="checkbox"/> Data Entry/ File Clerk <input type="checkbox"/> Accounting <input type="checkbox"/> Excel <input type="checkbox"/> Word <input type="checkbox"/> PowerPoint <input type="checkbox"/> 10 Key <input type="checkbox"/> Other Programs _____	Languages <input type="checkbox"/> Cantonese <input type="checkbox"/> Chinese <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> German <input type="checkbox"/> Spanish <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other _____

AVAILABILITY				
Status <input checked="" type="checkbox"/> Fulltime <input type="checkbox"/> Part-time Overtime <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Shift <input checked="" type="checkbox"/> 1st Shift <input type="checkbox"/> 2nd Shift <input type="checkbox"/> 3rd Shift	Days <input checked="" type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input checked="" type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday	Transportation <input checked="" type="checkbox"/> Car/ Own Transportation <input type="checkbox"/> Ride <input type="checkbox"/> Bus/Public Transportation <input type="checkbox"/> Assisted Transportation	Personnel Equipment <input checked="" type="checkbox"/> Work boots <input checked="" type="checkbox"/> Steel Toes <input type="checkbox"/> Back Belt <input type="checkbox"/> Hard Hat

PLEASE CHECK YES OR NO

Have you ever worked for CitiStaff Before? ☐ Yes ☒ No Where? _____

Can you comply with a Drug Test? ☒ Yes ☐ No _____

Conditions May require lifting between 30-50 pounds. Is this ok? ☒ Yes ☐ No Explain _____

Positions may require to standing up for 6-10 hours. Is this ok? ☒ Yes ☐ No Explain _____

EMPLOYMENT REFERENCES		For Recruiter Use Only	
		Account #	Customer Number One
		Position	
		Interviewer	
EMPLOYMENT REFERENCES TWO		Date	Customer Number Two
		Status	
		Notes:	Customer Number Three
PLEASE ANSWER ALL QUESTIONS			
How did you hear about CitiStaff? <input type="checkbox"/> Ad <input type="checkbox"/> Walk-In <input type="checkbox"/> Job Fair <input type="checkbox"/> Relative <input type="checkbox"/> Friend <input type="checkbox"/> Client <u>Indeed</u>	What is your highest level of education? Name of school <u>1 YEAR college</u>		
	Do you have any diplomas, certificates, degrees or awards? <u>Yes, High School</u>		
	In case of an injury, would you like to pre-designate your treating physician? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If no, CitiStaff will automatically pre-designate your treating physician		
	Initials _____		
	Desired Cities for Employment <u>ANTIOCH, CONCORD, PITTSBURG</u>		
You must be at least 18 years old and able to produce proof of citizenship or immigration status to begin employment. I certify that the facts in this employment application are true and complete. I understand that falsified statements are grounds for dismissal.			
Signature <u>[Signature]</u> Date <u>6/2/15</u>			
Recruiter Comments:			